

Customer No. 30223

Examiner, the Examiner requested that the height of the page numbers be mentioned and that a new disclosure should not be sent.

The original drawings were objected to because of questions concerning the reference numerals 10, 11 and 14. Proposed drawings amendments to overcome the objections are submitted herewith

Original claims 15-20 were rejected under 35 U.S.C. 112, second paragraph, because these claims referred to a "carpenter bee trap," but depended from claim 14 which is directed to a "method of trapping carpenter bees." This rejection has been overcome by amending claims 15-20 to refer to the "method of trapping carpenter bees" rather than the "carpenter bee trap" of claim 14.

Original claims 1-5 and 14-18 were rejected under 35 U.S.C. 102(b) based on Ritchey U.S. Patent No. 5,493,997. Ritchey describes a bird house that would not be suitable for use as a carpenter bee trap. The only specific teaching by Ritchey with respect to the size of the hole is that a typical size range is "from one to six inches in diameter." This would be too large for a carpenter bee trap. Independent claims 1 and 14 in the present application both require a hole of "about the same size as holes normally made by carpenter bees," which applicant's specification teaches to be less than about 1/2 inch. In addition, claim 14 is a method claim directed to the use of such a structure to trap carpenter bees and "periodically removing trapped bees from said hollow interior of said housing." There is no teaching whatever in the Ritchey patent that his structure might be used as a bee trap, nor that trapped bees should be periodically removed. Thus, the Ritchey patent fails to anticipate, under 35 U.S.C. 102(b), any of claims 1-5 and 14-18.

In addition to the distinctions found in the independent claims 1 and 14, dependent claims 3 and 16 further distinguish over Ritchey by requiring that the wall around the hole have a "light color" so that the hole "appears dark" from outside the housing. This features assists in attracting carpenter bees for trapping, and is not taught anywhere in the Ritchey patent.

Thus, reconsideration of the rejection of claims 1-5 and 14-18 under 102(b) is respectfully requested.

Original claims 6, 8-12 and 19 were rejected under 35 U.S.C. 103(a) based on Ritchey U.S. Patent No. 5,493,997 in combination with Spragins U.S. Patent No. 5,448,852. Spragins was cited to show an integrally molded plastic hinge and a latch. However, all these claims have the same limitations discussed above in connection with claims 1 and 14, and Spragins

Customer No. 30223

does not contain any teaching that could overcome the shortcomings of Ritchey with respect to those limitations. Specifically, Spragins describes a rodent bait station having holes even larger than those described by Ritchey. Thus, even if Ritchey and Spragins were combined, the resulting combination would still be lacking a hole of the size required by the claims, the light color around the hole, and a suggestion that the structure be used as a trap for carpenter bees.

Thus, reconsideration of the rejection of claims 6, 8-12 and 19 under 103(a) based on the combination of Ritchey and Spragins is respectfully requested.

Original claims 7, 13 and 20 were rejected under 35 U.S.C. 103(a) based on Ritchey U.S. Patent No. 5,493,997 in combination with Feigin U.S. Patent No. 3,803,753. Feigin describes a "bait station" for yellow jacket bait containing an insecticide that kills the yellow jackets when they eat the bait. Feigin teaches that a suitable bait is cat food, and a suitable insecticide is dodecachloroocthydro-1,3,4-metheno-2H-cyclobuta[cd]pentalene. Feigin provides a cover that can be snapped onto the rim of a can filled with the insecticide-laced bait. The cover has 10 to 15 holes about 1/2 inch in diameter to allow both ingress and egress by the yellow jackets to the bait so that they can take the bait back to the yellow jacket nests and feed it to the queen and young yellow jackets. Feigin does not disclose a "hollow" housing as required by all the claims of applicant.

Feigin never mentions carpenter bees, and never suggests that carpenter bees, or yellow jackets for that matter, can be trapped by a simple hollow container having a hole of about the same size as holes normally made by carpenter bees. Applicant's invention requires no bait and no insecticide, and thus is environmentally attractive, and vastly superior to Feigin's approach from an environmental standpoint. To bring this feature of applicant's invention into sharper focus, applicant's independent method claim 14 has been amended to require a method of trapping carpenter bees "without the use of bait or insecticide." This limitation also applies, of course, to the dependent claims 15-20.

Thus, reconsideration of the rejection of claims 7, 13 and 20 under 103(a) based on the combination of Ritchey and Feigin is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. Attached hereto is a clean copy of the pending claims after entry of the present amendment captioned "**Pending Claims After Entry of Amendment and Reply to Office Action Mailed April 4, 2002.**"

Customer No. 30223

It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkins & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 52372-00002.

Respectfully submitted,

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**PENDING CLAIMS AFTER ENTRY OF AMENDMENT AND  
REPLY TO OFFICE ACTION MAILED APRIL 4, 2002**

1. A carpenter bee trap comprising a housing having a hollow interior and at least one solid wall having a hole formed therein to permit carpenter bees to enter the hollow interior of the housing, said hole having about the same size as holes normally made by carpenter bees so that the hole tends to attract such bees.

2. The carpenter bee trap of claim 1 in which the interior surface of said solid wall forming the interior edge of said hole is substantially flat.

3. (Amended) The carpenter bee trap of claim 1 in which said housing has only a single hole, and the exterior surface of said solid wall around said hole has a light color, and the walls of said housing are opaque so that said hole appears dark from outside the housing.

4. The carpenter bee trap of claim 1 in which at least one of the walls of said housing can be pivoted away from adjacent walls to permit the hollow interior of the housing to be opened for the removal of trapped bees.

5. The carpenter bee trap of claim 1 in which the interior surfaces of said housing are smooth.

6. The carpenter bee trap of claim 1 which is made of a single piece of molded plastic with molded hinges connecting selected pairs of adjacent walls, and including integral latching means for releasably latching selected pairs of adjacent walls.

7. The carpenter bee trap of claim 1 in which said hole has a diameter within the range of from about 5/16 inch to 1/2 inch.

8. A carpenter bee trap comprising a housing made of a single piece of molded plastic with molded hinges connecting selected pairs of adjacent walls, and including integral latching means for releasably latching selected pairs of adjacent walls, said having a hollow

interior and at least one solid wall having a hole formed therein to permit carpenter bees to enter the hollow interior of the housing, said hole having about the same size as holes normally made by carpenter bees so that the hole tends to attract such bees.

9. The carpenter bee trap of claim 8 in which the interior surface of said solid wall forming the interior edge of said hole is substantially flat.

10. The carpenter bee trap of claim 8 in which the exterior surface of said solid wall around said hole has a light color, and the walls of said housing are opaque so that said hole appears dark from outside the housing.

11. The carpenter bee trap of claim 8 in which at least one of the walls of said housing can be pivoted away from adjacent walls to permit the hollow interior of the housing to be opened for the removal of trapped bees.

12. The carpenter bee trap of claim 8 in which the interior surfaces of said housing are smooth.

13. The carpenter bee trap of claim 8 in which said hole has a diameter within the range of from about 5/16 inch to 1/2 inch.

*A-2*  
14. (Amended) A method of trapping carpenter bees without the use of bait or insecticide comprising providing a housing having a hollow interior and at least one solid wall having an exposed hole formed therein to permit carpenter bees to enter the hollow interior of the housing, said hole having about the same size as holes normally made by carpenter bees so that the hole tends to attract such bees, and periodically removing trapped bees from said hollow interior of said housing. *B*

15. (Amended) The method of trapping carpenter bees as set forth in claim 14 in which the interior surface of said solid wall forming the interior edge of said hole is substantially flat.

16. (Amended) The method of trapping carpenter bees as set forth in claim 14 in which the exterior surface of said solid wall around said hole has a light color, and the walls of said housing are opaque so that said hole appears dark from outside the housing.

AZ  
CMA  
17. (Amended) The method of trapping carpenter bees as set forth in claim 14 in which at least one of the walls of said housing can be pivoted away from adjacent walls to permit the hollow interior of the housing to be opened for the removal of trapped bees.

18. (Amended) The method of trapping carpenter bees as set forth in claim 14 in which the interior surfaces of said housing are smooth.

19. (Amended) The method of trapping carpenter bees as set forth in claim 14 which is made of a single piece of molded plastic with molded hinges connecting selected pairs of adjacent walls, and including integral latching means for releasably latching selected pairs of adjacent walls.

20. (Amended) The method of trapping carpenter bees as set forth in claim 14 in which said hole has a diameter within the range of from about 5/16 inch to 1/2 inch.